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General Accounting Office

Review And Labeling Of Foreign Films By The Justice Department

Under the Foreign Agents Registration Act, the Department of Justice, from 1980 through 1982, reviewed 27 foreign films of which 11, or 41 percent, were determined to be propaganda oriented. This report discusses the policies and procedures the Justice Department uses in reviewing and labeling foreign films.



GAO-GGD-83-65
MAY 27, 1983

525708

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UNITED STATES GENERAL ACCOUNTING OFFICE
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GENERAL GOVERNMENT
DIVISION

B-211471

The Honorable Bill Alexander
House of Representatives

Dear Mr. Alexander:

In your March 7, 1983, letter, you expressed concern over the Department of Justice's labeling as "propaganda" three Canadian films offered for distribution in the United States. In this regard you requested that we address several issues surrounding Justice's authority for identifying and labeling foreign films as propagandistic. One of the issues you requested us to address was Justice's authority for carrying out such activities. Justice's authority is derived from the Foreign Agents Registration Act of 1938, as amended; therefore, our response focuses on Justice's implementation and enforcement of this act as it specifically relates to foreign films.

The Foreign Agents Registration Act, 22 U.S.C. 611-621, was enacted into law on June 8, 1938, and amended on several occasions. The most recent amendment was on July 4, 1966. One of the purposes of the 1966 amendment was to place primary emphasis on protection of the integrity of the decisionmaking process of the Federal Government and on the public's right to know the sources of foreign political propaganda. Under the act political propaganda includes written and visual communications intended to influence the public's opinion as it relates to the United States Government's foreign or domestic policy. To accomplish this objective sections 4(a) and (b) of the act require that any literature or film that constitutes political propaganda, which is distributed by a person who is a foreign agent required to register as such under the act, must be labeled, and a dissemination report filed. Although the labeling need not include the word "propaganda," the label must state that the views expressed are those of the foreign principal distributing the literature or film, and registration does not indicate approval of the United States Government.

As agreed with your staff we have not addressed the legal issues of your request because of the lawsuit recently brought by the American Civil Liberties Union and the State of New York against the Department of Justice. This suit challenges the legality of Justice's action relating to the labeling of the

three Canadian films. In view of this legal suit, and because of our longstanding policy of not addressing matters that are in litigation, we have restricted our response to the factual information you requested.

OBJECTIVES, SCOPE, AND METHODOLOGY

The objectives of our analysis were to address several issues relating to the Department of Justice's use of appropriated funds and its activities relating to the review and labeling of foreign films. Our work was performed at Justice headquarters, where we examined Justice's policies and procedures for implementing the Foreign Agents Registration Act of 1938, as amended. This entailed

- examining Justice's budget justification for fiscal years 1981, 1982, and 1983;
- reviewing Justice's regulations for administering the act; and
- reviewing various reports that Justice requires registered foreign agents to submit.

In addition, we interviewed Justice officials, including the Chief of the Criminal Division's Registration Unit, which is responsible for administering the act; and we obtained information on films reviewed during calendar years 1980, 1981, and 1982. Our work was conducted in accordance with generally accepted Government auditing standards.

ROLE OF JUSTICE'S
REGISTRATION UNIT

The Foreign Agents Registration Act is administered and enforced by the Registration Unit of the Internal Security Section of the Criminal Division. The unit is responsible for (1) ensuring the registration of foreign agents engaged in political activities on behalf of their foreign principals, (2) requiring foreign agents to semi-annually report on their activities and to maintain accounts and records of those activities, (3) inspecting the accounts and records that the agents are required to maintain to ensure compliance with the act, (4) making the agents' filings available for public review, (5) seeking the

judicial imposition of penalties for willful violation of the act or related regulations, and (6) reviewing printed and visual material disseminated by the agents and, where appropriate, labeling such material. For purposes of this assignment, we addressed only the Registration Unit's activities pertaining to reviewing and labeling of films.

Procedures used for identifying
and reviewing films

The Registration Unit has numerous ways of identifying films that may warrant labeling. The following are the most predominantly used techniques employed by the unit.

- The agent, at his/her own initiative, labels the film. In these cases the unit does not review the film but merely accepts the agent's determination and ensures that dissemination reports are filed. According to the unit's chief, this is a common practice followed by some registrants.
- The agent contacts the unit and requests that it review the film or literature to determine whether it falls within the definition of political propaganda.
- The agent provides a catalog or brochure listing the films by title and/or provides a brief description of the films. From the listing or catalog, the unit selects those films for review that deal with current issues affecting national policy. This was the technique whereby the Canadian films were identified and labeled.
- Lastly, the unit becomes aware of a disseminated film through public complaints and/or inspections of the agents' files as required by the act.

Justice officials told us that, during calendar years 1980, 1981, and 1982, 38 films were identified through the above techniques. Of the 38 films Justice identified, 27 were reviewed by the unit, 6 were requested but never submitted by the agent, 2 were pre-labeled by the agent as propaganda, 2 were withdrawn by the agent before circulation, and the unit had no record of review or determination on the remaining film. In reviewing the 27 films, 11, or 41 percent, were determined by

the unit to be within the definition of propaganda. A list of the 38 films by title and foreign principal with a brief description of the films, where available, is included in the appendix.

(The determination of whether a film requires labeling is strictly limited to whether the materials are within the statutory definition of propaganda.) The review of the material is performed primarily by three paralegals assigned to the unit. The chief of the unit told us that one of the three paralegals has acquired an expertise in determining whether printed and visual materials are within the definition of political propaganda films and, therefore, he assists the other paralegals. The reviewers are instructed not to speculate concerning the motive or bias of the author. Generally, each film is reviewed by one of the paralegals. If for any reason a paralegal is indecisive as to whether a film should be labeled, then one of the unit's attorneys will review the film in question for the purpose of making a determination.

Cost of reviewing films

Justice's budget does not contain specific costs for reviewing foreign films. However, Justice officials told us that they estimate that about 5 to 10 percent of the Registration Unit's expenditures are used for reviewing printed and visual materials disseminated by foreign agents. The following chart illustrates the amount of funds the unit expended or plans to expend during fiscal years 1982, 1983, and 1984.

	Fiscal year		
	1982 (Actual)	1983 (Estimated)	1984 (Planned)
Registration Unit's budget	\$733,000	\$878,000	\$934,000
Estimated amount expended or planned for reviewing printed and visual material (note a)	\$ 36,650 to \$ 73,300	\$ 43,900 to \$ 87,800	\$ 46,700 to \$ 93,400

a/Range is based on Justice's estimated expenditure of 5 to 10 percent.

Justice officials told us that funds from other Justice budget accounts have never been transferred to the Registration Unit for the purpose of reviewing printed or visual materials.

HOW CONGRESS IS ADVISED
OF THE UNIT'S ACTIVITIES

The Justice Department advises the Congress of the Registration Unit's activities through an annual report to the Congress ^{1/} and during the appropriation process. Although Justice's budget justification does not specifically discuss the unit's role regarding the review of foreign films, it does discuss the activities of the Internal Security Section, of which the unit is a part. The budget justification clearly states that a primary responsibility of the section is to administer and enforce the Foreign Agents Registration Act. In addition, the justification highlights the section's accomplishments pertaining to the administration and enforcement of the act. A Justice official told us that the budget justification does not go into detail on the unit's activities because it accounts for a small portion of Justice's expenditures. Justice officials estimated that the unit will account for only about 2 percent of the Criminal Division's budget in fiscal year 1983.

Even though Justice's budget justification does not discuss the specific activities of the unit, the annual report that the Attorney General issues to the Congress does provide such an overview. This report is issued pursuant to section 11 of the act (22 U.S.C. 621) which requires the Attorney General, from time to time, to report to the Congress concerning the administration of the act, including the source and content of political propaganda disseminated or distributed by agents of foreign principals registered under the act. It has been Justice's policy since 1950 to prepare an annual report and the latest report issued to the Congress was for 1981. As of April 1983, the Registration Unit was in the process of preparing the annual report for 1982.

^{1/}"Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act."

LISTS OF PERSONS REQUESTING LABELED
FILMS ARE NOT MAINTAINED

In your request you expressed concern that Justice was compiling a list of persons who requested the films which were labeled. On the basis of interviews with Justice officials and a review of the various documents that foreign agents are required to submit, (we determined that Justice does not maintain a master list of individuals who request labeled films.) However, Justice does require that foreign agents provide it with a list of organizations which have shown the films.)^{2/} Justice regulations require foreign agents to submit to the Registration Unit a dissemination report within 48 hours of the film's initial distribution. The foreign agent is further required by Justice regulations to submit monthly dissemination reports in the event the same film is disseminated repeatedly over an extended period of time. The dissemination report requires the foreign agent to provide the

- name of the radio or television station, organization, or theater showing the film;
- date the film was shown; and
- estimated attendance.

These dissemination reports are placed in the appropriate foreign agent's file, which is available for public review.

Even though Justice does not compile a master list of individuals or organizations showing a film, the information pertaining to organizations is contained in the agent's file. Therefore, a list of those organizations showing a certain film could be compiled by reviewing the various dissemination reports contained in foreign agents' files.

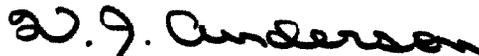
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^{2/}Department of Justice officials cited section 4 of the Foreign Agents Registration Act as Justice's authority for requiring such a report.

As agreed with your office, we did not obtain formal comments regarding this report from the Attorney General. However, we did discuss the results of our work with officials of the Criminal Division. These officials agreed with the information reported.

We trust the information will be useful to you in your continuing effort to ensure the proper administration of justice. As agreed with your office, we have provided a copy of this report to the Chairman, Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, House Committee on Appropriations; however, unless you publicly announce its contents earlier, we plan no further distribution of this report until 15 days from the date of this report. At that time we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,



William J. Anderson
Director

Handwritten notes on the left margin, including a vertical list of numbers: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50.

FILMS IDENTIFIED BY
JUSTICE'S REGISTRATION UNIT
DURING 1980 THROUGH 1982 ^{1/}

(A) Foreign Agent: Association Films, Inc.

Foreign Principal: Japan Information Center

Film: "Japanese Steel: The Other Side of the Story"
No record of review or determination.

(B) Foreign Agent: Dr. Kazimierz Bilanow

Foreign Principal: Polish Interpress Agency

Films: "Saved From Fire"
"From Wadowice to Vatican"
"First Exam"
"Rehabilitation of Old Cracow"
No description available, not political
propaganda.

(C) Foreign Agent: Hong Kong Tourist Association

Foreign Principal: Government of Hong Kong

Film: "Hong Kong In Character"
No description available, not political
propaganda.

(D) Foreign Agent: Israel Government Tourist Office

Foreign Principal: Israel Ministry of Tourism

Films: "City of Haifa - Jewel of Mt. Carmel"
No description available, not political
propaganda.

^{1/}This information was prepared by Justice's Registration Unit.

"Jerusalem. . .Jerusalem"
4,000 years of history unfold in this beautiful and dramatic film tracing the early beginning of Jerusalem from Biblical times (Abraham, David, Solomon). . .through the Romans. . .the crucifixion of Jesus. . .the Vision of Mohammed. . .the Crusaders. . .Ottoman Turks. . .liberation, and finally the city's reunification in 1967.
Political propaganda.

(E) Foreign Agent: Lebanon Tourist and Information Office

Foreign Principal: National Council of Tourism in the Lebanon

Films: "Letter from Lebanon"
"A Will to Live"
Neither of these films were submitted, and they have been requested again. No description available.

(F) Foreign Agent: Modern Talking Picture Service

Foreign Principal: Berlin Economic Development Corporation

Film: "Berlin Means Business. . .and more"
The economic importance of Berlin as its products are used universally is the topic of this informative feature. Concern with the manufacture of products, design, crafts, etc., is shown. The presentation points out Berlin's accessibility to other cities in Europe and the rest of the world.
Political propaganda.

Foreign Principal: Consulate General of Israel

Film: "A Conversation With Golda Meir"
Here is a unique opportunity to see and hear one of the most important world leaders of the 20th century--Golda Meir, former Prime Minister of Israel. Mrs. Meir speaks candidly on a

variety of subjects. The film illuminates, through Mrs. Meir's discussion, Israel's desire for a lasting peace.
Political propaganda.

Foreign Principal: Intourist

Films: "The Soviet Union by Car"

History, culture and present-day life can be seen from the car through tours offered by the tourist travel agency, Intourist. Moscow's architectural image was built up over the centuries and each epoch has added to it. Leave your car at the tourist complex and visit by bus the towns of Vladimir and Suislaw. Enjoy a traditional samovar tea party to complete your idea of old Russia. Visit the estate where Leo Tolstoy lived and worked for many years. . .now a world-renowned memorial museum. . .where he wrote his immortal "War and Peace". Yalta on the Black Sea coast. . .where visitors appreciate the scenic beauty in Crimea. . .Temple of the Sun in Armenia.
Not political propaganda.

"Transit Through Soviet Territory"

20 million year old lake in Siberia. Deepest freshwater lake in the world. . .the gem of Siberia. Unforgettable impressions await you in your travels through USSR. Armenia, eerie, mystical temples and tombs hacked in a mountainside. Sochi, a famous resort city on the Black Sea. World's largest collection of ancient Armenian manuscripts and books. Moscow. . .masterpieces of the Moscow Museum of Art. . .the Bolshoi Ballet.
Not political propaganda.

"Intourist for the Visitors of the 1980 Olympics"

For the first time in the history of the Olympic Games, they are being held in Russia. Moscow will host all main events; other events are scheduled in five major cities. The Soviet Travel Agency, Intourist gives a preview of the

five cities. Viewers enjoy scenes of the theatre and ballet, visit the Red Square in Moscow and the Kremlin, many views of work of applied art, paintings, murals, Russian history. On to Leningrad, the Summer Gardens, Heritage collections, Neva River; car tour to Minsk for soccer, swimming, and the Olympic Regatta; to Kiev, the political and industrial center. . .share in Ukraine customs and culture. Not political propaganda.

"Autumn & Winter in Yalta"

Intourist means 50 years experience of accommodating foreign guests. In Yalta, nature has created a unique environment and climate protected from the breath-taking cold winds of the north by high mountains. . . .Invigorating smell of the Black Sea and healthful year-round climate. . .the Yalta Hotel can accommodate 3,000 persons. . .the contemporary and historical are happily blended in the Crimea. Very scenic footage of an 8th Century monastery. . .the monks hollowed out their cells in the cliffs. . .the first prayer houses (6th Century) were built on the summit. Sumptuous interiors of the first Summer Palace of the Tzars, where the Allied powers met and signed agreements creating the United Nations. Not political propaganda.

Foreign Principal: Korean Consulate

Films: "Shipbuilding"

Korea emerges as a shipbuilding country. She launches 260,000 ton class supertanker recently, making herself the tenth largest shipbuilder in the world.

"Flag of Freedom"

No description available. Both films were withdrawn before circulation began, not received by this office.

Foreign Principal: Ontario Ministry of the Environment

Film: "Crisis in the Rain"

A documentary film designed by the Ontario Ministry of the Environment to help enlist public support in the battle against acid rain in both Ontario and the U.S. Highlights the causes and damaging effects of sulphur and nitrogen emissions on both Ontario and northeastern U.S. lakes and rivers. Shows how acid rain is due to transboundary pollution. Political propaganda.

Foreign Principal: Ontario Science Center

Film: "Corner of the World"

The film explores the Science Center's exhibits.
Not political propaganda.

Foreign Principal: United Nations Development Program

Films: "One and a Half Dreams"

"U.N.D.P. Roundable"

Both films explain and illustrate the U.N.D.P. programs.

Not political propaganda.

(G) Foreign Agent: National Film Board of Canada

Foreign Principal: National Film Board of Canada

Films: "Acid From Heaven"

A case study of a person whose income was cut off because of acid rain - in laymen's terms provides information regarding this little known form of pollution. It describes acid rain as a political problem and encourages viewers to contact politicians and leaders of industries to let them know something should be done about acid rain.
Political propaganda.

"Acid Rain: Requiem or Recovery"

Purpose of this film is to increase public awareness of the threat to the North American environment posed by acid rain - destroying woods, water and wildlife. While it uses graphs, maps and scientific experiments to examine what acid rain is, where it originates and how it threatens natural life and man made environment, it also encourages viewers to do something about acid rain by bringing public pressure on boardrooms and legislatures. Political propaganda.

"A War Story"

"How little a list of casualties tells the real war!" Based on the diaries of Canadian doctor Ben Wheeler during his internment in a Japanese prisoner-of-war camp in World War II, this docu-drama is not a "war story" in the conventional sense of strategy and battles, but rather a glowing account of the spirit and its will to survive physical and mental suffering. Dramatic reconstructions of scenes inside the mining camp are skillfully interwoven with newsreel footage of the fall of Singapore (when Major Wheeler was captured) and interviews with survivors of the camp. Not political propaganda.

"If You Love This Planet"

This film records a lecture given to American students by outspoken nuclear critic, Dr. Helen Caldicott, U.S. president of Physicians for Social Responsibility. Her message is clear: disarmament cannot be postponed. Archival film footage of the bombing of Hiroshima and images of its survivors seven months after the attack heighten the urgency of her message: namely, that unless we shake off our indifference and work to prevent nuclear war, we stand a slim chance of surviving the 20th century. Political propaganda.

"Offshore Oil: Are We Ready?"

A cautionary document that explores in depth the impact that offshore oil discoveries have had on Stavanger, Norway, and on Aberdeen and the Shetland Islands in Scotland. Confronted with huge deposits in the Hibernia field off Newfoundland, Atlantic Canadians are advised to begin planning now for the inevitable effects that this oil will have on their indigenous industries, particularly fisheries. In addition to its relevance to Atlantic Canada, the film holds interest for anyone concerned about the effects on heavy, rapid industrialization on both the environment and traditional ways of life.
Not political propaganda.

(H) Foreign Agent: Office of Tibet

Foreign Principal: The Dalai Lama, India

None of these four films were submitted to this Office, and they have been requested again.

Films: "Tibetan Story"

The film dwells on the Tibetan people who have come into exile and how they are resettling in a new environment with assistance from Church organizations. Produced by Christian Aid, the film has a wide selection of scenes from Tibetan settlements in India with special emphasis on the educational needs of the children, the health problems of the refugees and their future as people and the maintenance of Tibetan culture.

"Raid Into Tibet"

The film deals with Tibetan guerilla freedom fighters who were established in the remote Mustang area of Nepal and who entered Tibet periodically to menace Chinese convoys in western Tibet. George Patterson, well known writer and Tibetan expert takes the viewer to these secret

guerilla camps and accompanies the film crew on one of the most daring missions inside Tibet to raid a Chinese military truck convoy.

"The Lama King"

This recent BBC documentary film features candid interviews with His Holiness the Dalai Lama, the spiritual and temporal leader of the Tibetan people and scenes from the daily life of Tibetans in exile in Dharamsala, India, the seat of the Tibetan Government in exile. Of special interest are shots of colorful and dramatic rituals performed on the occasion of the Tibetan New Year.

"Home Away From Home"

This film deals with the exodus of Tibetan refugees. It essentially tells the story of the causes leading to the displacement of thousands of Tibetans from their homeland. Scenes of Tibetan refugees arriving in India, flight of the Dalai Lama, his arrival and meeting with Indian leaders and the settlement of Tibetan refugees etc.

(I) Foreign Agent: Palestine Information Office

Foreign Principal: Palestine Liberation Organization

Film: "The Children of Palestine"

No description available, is political propaganda. Two other films were not reviewed but were identified by registrant's staff as political propaganda.

(J) Foreign Agent: Marilyn Edith Perry

Foreign Principal: Permanent Mission of the Socialist People's Libyan Arab Jamahiriya to the United Nations

Film: "Libya Today"

Marilyn Perry interviewed Ahmed Shahatti, Special Envoy of the General People's Congress

of Libya. Topics discussed included political and economic situations in Libya, Libya's relationship with other African countries, including the support of liberation movements in Zimbabwe and Namibia, diplomatic relations with the United Nations, Libya's interest in OPEC and the need for good relations with the United States.
Political propaganda.

Foreign Principal: Ministry of Information of Jordan

Film: "H.R.H. Crown Prince Hassan of Jordan"
The interview with the Crown Prince included discussions on the Israeli settlements in the West Bank, the treatment of Arabs in Israeli settlements and U.N. Resolution 242.
Political propaganda.

Foreign Principal: Permanent Mission of Thailand to the United Nations

Film: "Thailand"
The interview with Ambassador Kasimeri, Permanent Representative of Thailand to the United Nations included a film clip of the Queen's work with the refugees. The Ambassador also discussed the advantages of foreign investment in Thailand such as the skilled labor force, good investment climate and available benefits to investors.
Political propaganda.

Foreign Principal: Permanent Representative of Libya to the U.N.

Film: "International Year of the Disabled"
This tape was a summary of the activities planned for the International Year of the Disabled in 1981.
Not political propaganda.

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